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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.7497 of 2017 IN/AND
CRR No.769 of 2017 (O&M)
Date of decision: March 15, 2017**

Jasbir Singh

.....Applicant-Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Charanjit Singh Bakhshi, Advocate
for the applicant-petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

Mr. Sumeet Goel, Advocate for respondent No.3-CBI.

A.B. CHAUDHARI, J (Oral)

CRM No.7497 of 2017

Heard.

Application is allowed and Annexures P-12 to P-15 are
taken on record.

CRR No.769 of 2017 (O&M)

Heard learned counsel for the rival parties at length.

The charge against the petitioner was framed on
07.01.2012 for the offences punishable under Sections 307, 459 of the
Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959 with
particular facts mentioned therein in support of the charge. The
effective trial, actually commenced in the year 2016 and the evidence

of the complainant PW3-Dilbar Singh was recorded on 08.07.2016.

Learned counsel for the petitioner fairly states that the petitioner is under cross-examination.

During the course of cross-examination, the petitioner applied for alteration of charge on the ground that in the deposition of PW3-Dilbar Singh there is inconsistency qua the facts quoted in the charge for foundation of the charge and therefore, the charge should be altered, modified as prayed for by him in the application. Trial Court has rejected the application for the reasons given in the order.

Learned counsel for the petitioner vehemently argued inviting my attention to the deposition of PW3-Dilbar Singh before the trial Court.

I have gone through the said deposition carefully. I have also gone through the facts which found the foundation of charge.

Learned counsel for the petitioner also fairly states that other witnesses are yet to be examined. It appears from the deposition of PW3-Dilbar Singh that the deposition is not strictly in accordance with the facts stated in the charge, on the basis of which charge was framed. That may be so, but then the fact remains that the other witnesses are yet to be examined and even the petitioner is under cross-examination which is not likely to be completed.

Learned counsel for the petitioner has cited decision in the case of ***Harihar Chakravarty v. State of West Bengal***, AIR 1954 SC 266, in Para 15 of the judgment in the case of ***C.B.I. versus***

***Karimullah Osan Khan*, 2014 (2) R.C.R. (Criminal) 123**, which, in my opinion, is not applicable to the facts of the present case.

The FIR was registered way back in the year 2011 and what I find is that the investigation was handed-over to the CBI when the Punjab police had filed the charge-sheet. The CBI filed another charge-sheet and thus, the proceedings under the FIR are hanging. The trial has started and the petitions have been filed by either of the parties which, in my opinion, have resulted into obstruction in the trial. Whatever may be the ultimate result of the trial, High Court should not interfere with the progress of the trial which is destructive of the principles of the speedy trial. If the petitioner is really right in his submissions, in that case, the trial Court would do its duty by making proper assessment of the evidence and deliver the judgment in accordance with law. But then to interfere at every stage of trial, would not be in the interest of justice. In the result, I do not find any merit in the petition. Hence, the petition stands summarily rejected.

Dismissed.

(A.B. CHAUDHARI)
JUDGE

March 15, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No